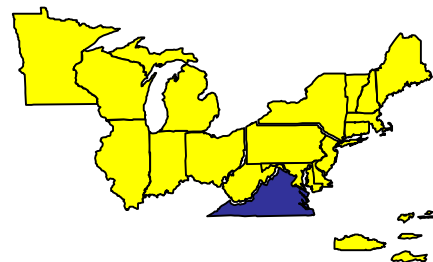




U.S. Army
Northern Regional Environmental Office
Environmental Regulatory Profile
VIRGINIA



This document, which will be updated periodically, provides an overview of environmental regulatory programs and issues in Virginia. The impressions and viewpoints expressed herein are those of the Army Northern Regional Environmental Office, and are based on publicly available information and interaction with state of Virginia personnel. Section I describes the principal state regulatory agencies. Section II discusses the state's priorities with regard to current and future program implementation. Section III summarizes environmental regulatory issues affecting Army operations in Virginia and efforts made to address them. Section IV provides a directory of key Virginia executive branch officials and legislative leaders.

I. Environmental Regulatory Agencies

A. The Virginia Secretariat of Natural Resources supervises eight agencies responsible for environmental protection, natural and historic conservation, and outdoor recreation including fisheries and wildlife management. The agencies of the Natural Resources Secretariat employ nearly 2,000 people, have a combined annual budget in excess of \$264 million and include:

- Chesapeake Bay Local Assistance Department
- Department of Conservation and Recreation
- Department of Environmental Quality
- Department of Game and Inland Fisheries
- Department of Historic Resources
- Marine Resources Commission
- Museum of Natural History
- Chippokes Farm Museum

B. Department of Environmental Quality. The DEQ central office is located in Richmond, VA. DEQ has seven regional offices, with the newest being the South Central, which was opened in November 2000. Activities of the seven regional offices include permits, remediation, air quality, water quality, and compliance, monitoring and enforcement. Most permits from DEQ are issued by the regional offices, including all individual Virginia Pollutant Discharge Elimination System water permits, Virginia Pollution Abatement water permits, and Virginia Water Protection permits, except minimum instream flow projects and Virginia Department of Transportation (VDOT) projects. The regional offices issue all air permits to include new and modified source permits, prevention of significant deterioration permits, state operating permits, and federal operating permits (Title V). DEQ's central office issues waste permits and Virginia water protection permits for minimum instream flow and VDOT projects. The remediation programs administered by the regional offices include underground and aboveground storage tanks. The seven regional offices are:

- Southwest Regional Office – Abingdon, VA (The Southwest Region includes: counties of Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe; cities of Bristol, Galax, Norton.)

- Valley Regional Office – Harrisonburg, VA (The Valley Region includes: counties of Albemarle, Augusta, Bath, Clarke, Fluvanna, Frederick, Greene, Highland, Nelson, Page, Rockbridge, Rockingham, Shenandoah, Warren; cities of Buena Vista, Charlottesville, Harrisonburg, Lexington, Staunton, Waynesboro, Winchester.)
- Piedmont Regional Office – Glen Allen, VA (The Piedmont Region includes: counties of Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, Westmoreland; cities of Colonial Heights, Emporia, Hopewell, Petersburg, Richmond.)
- West Central Regional Office – Roanoke, VA (The West Central Region includes: counties of Alleghany, Bedford, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke; cities of Bedford, Clifton Forge, Covington, Martinsville, Radford, Roanoke, Salem.)
- Tidewater Regional Office – Virginia Beach, VA (The Tidewater Region includes: counties of Accomack, Isle of Wight, James City, Northampton, Southampton, York; cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg.)
- Northern Regional Office – Woodbridge, VA (The Northern Virginia Region includes: counties of Arlington, Caroline, Culpeper, Fairfax, Fauquier, King George, Loudoun, Louisa, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford; cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park.)
- South Central Regional Office – Lynchburg, VA (The South Central Region includes: counties of Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, Prince Edward; cities of Danville, Lynchburg.)

C. Citizen Boards. Three regulatory boards, composed of Virginia citizens appointed by the Governor, are responsible for adopting Virginia's environmental regulations. The DEQ staff administers the regulations as approved by the boards. All of the boards have statutory authority to promulgate regulations. The Air and Water boards have authority to approve certain permits. In cases where environmental laws or permit conditions are violated, the boards may impose administrative sanctions and initiate legal actions. The boards are:

- State Air Pollution Control Board
- State Water Control Board
- Virginia Waste Management Board

Authority and overall influence in the Virginia environmental program varies among the three boards. The State Water Control Board has the most influence in that it exercises enforcement authority in addition to issuing certain permits. The State Air Pollution Control Board issues some permits and has some enforcement authority. The Virginia Waste Management Board is more advisory in nature in that it does not issue permits, but does have limited enforcement authority. However, both the State Air Pollution Control and Virginia Waste Management Boards have chosen not to utilize their respective enforcement authorities.

D. State Primacy. The Commonwealth of Virginia has primacy to administer all the environmental programs for which states can have primacy other than the Underground Injection Control (UIC) program. The remediation of NPL sites is the only other environmental program for which the USEPA is the lead regulator.

II. Virginia Department of Environmental Quality Priorities

A. Wetlands. Wetlands are a high priority for Governor Gilmore. The Department of Environmental Quality, the Department of Conservation and Recreation, and other state agencies are focusing on this issue in 2001. DEQ has new non-tidal wetland regulations which will be implemented in October of 2001. Governor Gilmore has issued an executive order establishing a multi-agency Virginia Wetlands Restoration Coordinating Committee to encourage voluntary restoration of wetlands on state and private lands. The Governor has proposed funding for the commonwealth's participation in the federal Conservation Reserve Enhancement Program, which pays landowners to implement and maintain conservation practices to protect riparian and wetland areas.

B. Water Quality. Water quality improvement initiatives are a high priority for Virginia. Initiatives to address water quality issues include \$5 million for point source grants for wastewater treatment facilities, \$5.4 million for non-point source grants, and \$10.2 million for critical water quality programs. The DEQ also intends to enhance its toxics monitoring and analysis of fish tissue for toxic contamination. Implementation of nutrient reduction strategies for the tributaries to the Chesapeake will be another area of emphasis.

C. Air Quality. The DEQ administers the requirements of the federal Clean Air Act, and enforces state law and regulations to improve Virginia's air quality. The DEQ intends to place emphasis on ensuring compliance with federal (Title V) operating permits and other permits issued under the Clean Air Act.

III. Environmental Regulatory Issues Affecting Army Operations

A. Air Quality. The DEQ is discussing new air regulations for small municipal waste incinerators, and expects to propose regulations in 2001. The DEQ also intends to adopt the federal standards for hospital/medical/infectious waste.

B. Solid and Hazardous Waste Management. An amendment to the Solid Waste Management Regulations is expected to be final by June or July 2001. The amendment is primarily for clarification, but does speed up the corrective action process and allows additional composting options. An amendment to the Regulated Medical Waste Management Regulations is expected to be final before the end of the year. The principal change proposed is to bring Virginia's definition of regulated medical waste more in line with that found in OSHA regulations. The Hazardous Waste Management Regulations are being amended with the object of incorporating by reference federal standards for permit processing (with a list of exceptions). This change will not be made final, however, before 2002. The Military Munitions Rule was adopted by reference in November 2000. The Solid Waste Planning Regulations are also expected to be amended before the end of the year. While the principal obligation is on local governments to develop long-range plans and report recycling rates, they may look to military facilities for information on waste generation and recycling.

C. Water Quality. The DEQ will be developing the 2001 303(d) TMDL Priority List, and is developing TMDLs for water bodies identified by the 1998 303(d) list. In addition, a technical

Advisory Committee has been assembled to draft a general permit for the discharge of dredge and fill material.

D. Citizens Wetland Advisory Report. The Citizens Wetland Advisory Report was released in November 1999. The committee recommended the amendment of regulations in order to minimize the losses of non-tidal wetlands in Virginia and the establishment of a wetlands mitigation banking policy. The committee also recommended using the Water Protection Permit Program to establish the necessary regulatory oversight to achieve the committee's "no net loss" objective.

E. Virginia/DOD Pollution Prevention Partnership. Virginia, EPA, and all the military activities in Virginia entered into a pollution prevention partnership on 19 October 2000. The overall mission of the partnership is to identify opportunities, develop solutions and promote successes in pollution prevention to enhance the pollution prevention missions of the participants, conserve resources, and improve the quality of Virginia's environment. Goals have been developed to review a number of specific practices and processes that can be transferred among the participants, initiate cooperative projects, and externally share information through venues such as conferences, workshops, publications, and the internet.

F. Environmental Education. The Virginia DEQ has initiated a number of programs focused on changing the environmental ethic in the commonwealth through various environmental education initiatives. The Virginia Naturally program provides people with a virtual library at www.VaNaturally.com. This web site provides a gateway to statewide environmental education resources, including information about volunteer opportunities, educational classes, places to visit, community events, watershed maps, lesson plans, recreational activities, and more. The initiative recognizes exemplary efforts and makes it easy for schools, communities, and other groups or individuals to access resources about Virginia's environment. A number of military facilities in Virginia have become Virginia Naturally partners. Other programs include a mentoring program for small businesses, and Businesses for the Bay. The Businesses for the Bay program involves voluntary pollution prevention initiatives by the participants focused on minimizing environmental impacts to the Chesapeake Bay.

G. Environmental Excellence Program. The Virginia Environmental Excellence Program promotes the use of environmental management systems and pollution prevention as a means of achieving greater environmental quality and improved organizational performance. The program, which is voluntary, offers recognition and incentives to encourage the adoption of environmental management systems and pollution prevention initiatives by organizations. There are two types of participation in the program, Environmental Enterprise, and Exemplary Environmental Enterprise. The Environmental Enterprise, or E2, level of participation is for those organizations that are interested in beginning, or are in the early stages of implementing, an environmental management system. The Exemplary Environmental Enterprise, or E3, level of participation is for those organizations with fully implemented environmental management systems, pollution prevention programs, and demonstrated performance. DEQ will grant regulatory flexibility to those organizations that participate in the Environmental Excellence Program.